

0010 '03 APR -4 P12:55

**Registration of Food Facilities Under the Public Health Security and Bioterrorism
Preparedness and Response Act of 2002
Docket No. 02N-0276**

**Comments of the
National Soft Drink Association
to the
U.S. Food and Drug Administration**

April 4, 2003

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Introduction

0011 '03 APR -4 P12 :55
The National Soft Drink Association is pleased to submit comments in response to the proposal of the U.S. Food and Drug Administration (FDA) regarding the registration of food facilities (68 Fed. Reg. 5378, February 3, 2003).

The National Soft Drink Association (NSDA) is the national trade organization of the beverage industry. NSDA's member companies produce 95% of all soft drinks consumed annually in the United States. NSDA member companies also produce and distribute purified waters, ready-to-drink teas, sports drinks, juice and juice-based beverages and other carbonated and non-carbonated products. In addition, the vast majority of the beverage licensors who manufacture concentrates and/or syrups from which soft drinks and other beverages are made belong to the Association. It is on behalf of these members that we submit these comments.

Special Note

As noted in the preamble to this rulemaking, the events of September 11, 2001, highlighted the need to enhance the security of the U.S. food supply. NSDA supports the goals of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) and FDA's efforts to implement Title III of the Act. NSDA and its member companies recognize the unique nature of this rulemaking and feel a shared sense of responsibility with FDA to ensure the security of the U.S. food supply. The intent of these comments therefore, is to offer constructive ideas that will enhance food security while creating a system that is both workable and efficient.

Summary of NSDA Position

NSDA's comments will focus solely on suggested improvements to the provision regarding registration information updates. The following recommendations are hereby offered:

- (1) Allow affected facilities the option of providing both a principal and alternate emergency contact. If the information for only one of these contacts changes, updates would be required on an annual basis, rather than within 30 days.
- (2) Allow annual automatic updates for product category changes.
- (3) Establish a system which would be set up to generate automatically and send an email reminder one year from the date of the registrant's last update of the registration information allowing the registrant to review the information and make any necessary changes.

Discussion

As with many industries, the beverage industry has undergone a considerable amount of consolidation. Some of the major beverage producers now own several hundred food facilities, as defined by FDA in its proposal. It is anticipated that in many cases, one person will be responsible for registering and updating the required information for all of the company's facilities.

Although much of the registration information (name, address, main phone number, fax number, etc.) will likely remain constant, information related to the emergency contact and to the product categories handled by the facility are expected to change more frequently. The challenge for both FDA and affected facilities will be to keep meaningful information accurate and current so that, in the event of a food-related emergency, prompt and appropriate action can be taken.

It is imperative that the need for effective information management be considered when setting up this system. Constant changes and perpetual updates will do little other than to overburden both the registrant and FDA.

Emergency Contact Information

A simple way to streamline the updating process for the emergency contact information would be to allow a registrant the option of providing information for at least two emergency contacts, rather than one. If a facility elects to use this option, the facility would then be required to submit an update only if changes in relevant information concerning both contacts occurred. The facility would also agree to provide annual updates, as needed.

Providing this option would result in at least two clear benefits to FDA. First, it would give the Agency an additional emergency contact point in the event of a food-related emergency. Second, it would significantly streamline the reporting system, eliminating what is anticipated to be an otherwise frequent series of minor updates.

Product Categories

In theory, FDA's proposed requirement that registrants must identify food categories that are manufactured, processed, packed or held at each facility appears reasonable. However, when combined with the requirement that updates are made within 30 days of any change in these categories, the result will unnecessarily burden both the registrant and FDA. Inventories in warehouses that store food and food products are constantly changing. Updating each of these changes within 30 days, as proposed by FDA, will render much information meaningless.

NSDA suggests that, subsequent to initial registration, registrants are allowed to make annual updates to the product category information. NSDA believes that the use of annual updates will increase the accuracy and reliability of FDA's database, while minimizing the burdens on registrants

Annual Electronic Update Reminders

Along with NSDA's aforementioned suggestions related to annual updates for emergency contact information and food product categories, an electronic system designed to remind registrants to file these updates would also enhance FDA's reporting system. Such systems are in common sense in many everyday applications, from state drivers license bureaus to public libraries. Automatic electronic updates would increase compliance and would therefore be of benefit to both FDA and to those affected food facilities.

Conclusion

NSDA recognizes the tremendous task that lies ahead of not only FDA, but the entire food industry as well. NSDA commends the Agency for working with the food industry in accomplishing its mission of enhancing food security.

NSDA's comments reflect the shared sense of responsibility. Although the changes that are advocated in our comments are relatively minor, they will result in a much more efficient system. By allowing registrants the option of listing a principal and alternate contact, frequent updates caused by any minor change in this information will be unnecessary. Annual reporting can result in a more efficient system.

Likewise, by allowing annual updates for food category information rather than the 30-day updates proposed by FDA, a more efficient system will be recognized by the Agency. Further, it is anticipated that increased accuracy will also result.

Putting into place these two minor modifications will allow FDA to establish an automatic electronic update reminder system which will undoubtedly enhance compliance.

These three changes, when combined, will result in a more efficient and accurate system, benefiting both the Agency and the food industry. Most importantly, it will result in a system that will enhance the security of the U.S. food supply.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Redman", written in a cursive style.

Michael Redman
Technology Director